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**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF UTAH**

*In re* **WESTERN UTAH COPPER  
COMPANY,**

Debtor,

Case No. 10-29159-WTT

(Jointly Administered with Case No. 10-30002 WTT)

Chief Judge William T. Thurman

Chapter 11

**NSRC'S REPLY TO DEBTOR'S RESPONSE TO NSRC'S  
SUPPLEMENTAL OBJECTION TO DEBTOR'S  
PROPOSED ORDER EMPLOYING A. JOHN A. BRYAN,  
JR. AS CHIEF EXECUTIVE OFFICER OF THE DEBTORS**

Nevada Star Resource Corp. ("NSRC"), by and through its undersigned counsel, hereby replies to the Debtor's Response (docket # 377) to NSRC's Objection (docket # 376) to the order proposed by Western Utah Copper Company and Copper King Mining Corporation (the "Debtors") for authorization to employ A. John A. Bryan, Jr. as Chief Executive Officer of the Debtors (the "Proposed Order") (docket # 341), and it states as follows:

**REPLY TO FIRST RESPONSE:** The issue is whether the Proposed Order was timely filed. The issue is sufficiently briefed.

**REPLY TO SECOND RESPONSE:** The issue is whether Mr. Bryan must file fee applications pursuant to 11 U.S.C. §§ 330 and 331. The Debtor's response states

The employment application at issue relates to the employment of an officer of the Debtor – not a legal professional or other professional that charges on an hourly basis. The application was made pursuant to 11 U.S.C. § 328, which allows for payments at fixed rates or any other reasonable payment structure. Mr. Bryan's application was made pursuant to 11 U.S.C. § 328.

Response, docket # 377, p.2. Actually, Mr. Bryan did not file an application. The only relevant application, NSRC believes, was filed by the Wattley Group, and that application was specifically made under 11 U.S.C. § 327. *See* Application, docket # 89, p. 1. Furthermore, section 328 does not provide a basis for the court to authorize employment. Rather, it provides limitations on compensation. It states

The trustee, or a committee authorized under section 1102 of this title, with the court's approval, may employ or authorize the employment of a professional person under section 327 or 1103 of this title, as the case may be, on any reasonable terms and conditions of employment, including on a . . . fixed . . . fee basis. . . .

11 U.S.C. § 328(a). Clearly, section 328 contemplates that the employment will be authorized under section 327. Consequently, the authorization for Mr. Bryan's employment must be based on section 327. And sections 330 and 331, which require fee applications for interim compensation, apply to professionals whose employment is authorized under section 327. So Mr. Bryan's employment should be subject to sections 328, 330 and 331.

**REPLY TO THIRD RESPONSE:** The issue is whether Mr. Bryan's employment is approved, *nunc pro tunc*, as of the petition date. The issue is sufficiently briefed.

Respectfully Submitted on October 15, 2010.

**PARSONS BEHLE & LATIMER**

By: *J. Thomas Beckett*  
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David P. Billings  
Attorneys for Nevada Star Resource Corp.

**CERTIFICATE OF SERVICE BY ECF / EMAIL**

I hereby certify that on this 15<sup>th</sup> day of October, 2010, I caused true and correct copies of the foregoing **NSRC'S OBJECTION TO DEBTOR'S PROPOSED ORDER EMPLOYING A. JOHN A. BRYAN, JR. AS CHIEF EXECUTIVE OFFICER OF THE DEBTORS** to be filed via this Court's ECF system, and thus served electronically on those parties having registered to receive such service, and also sent via email to:

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